IN THE HIGH COURT OF JUDICATURE AT BOBBY

ORDINARY ORIGINAL CIVIL JURISDICTION

ARBITRATION PETITION NO.269 OF 2007

Shoaib Y.Bhati .. Petitioner.

Versus

Mohammed Husain Iqbal Husain Rampurawala .. Respondent.

Mr.Swapnil Bangar for petitioner.

Mr.R.Khan with Mr.T.A.Zaidy i/b.Zaidy & Co. for respondent.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 27th August, 2007.

P.C.

. My attention is invited by the respondent to the letter dated 7th July, 2007, addressed by

M/s.Zaidy & Co. to M/s.Vinod Mistry & Co. In paragraphs 3 and 7 of the said letter this is what is stated :-

> "3. Mr.J.K.Mistry was of the opinion that unless the Deed of Partition was prepared and signed by the three brothers, our client could not make out a marketable title to the property.
>
> 7. It is therefore, clear that your client then thought of changing his Advocate with the sole object of harassing our client as evident from your letter dated 13th April, 2007 asking our client to make out a marketable title to the property knowing fully well and having been so advised by his previous Advocate that our client could not make out a marketable title to the property

unless the Deed of Partition was signed by our client and his two brothers."

. The respondents confirm this statement and further state that there is no marketable title in their favour in respect of the said immovable property. At this stage, therefore, no question arises of it being alienated, encumbered or disposed of in any manner. In such circumstances and in the light of this statement, nothing survives in this petition and it is accordingly disposed of. Liberty to apply in case, facts and circumstances so require.

(S.C.Dharmadhikari, J.)